

Introduced by Senator Vargas

February 18, 2011

An act to amend Section 15658 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 718, as introduced, Vargas. Elder abuse: mandated reporting.

Existing law requires specified people, known as mandated reporters, to report cases of elder abuse, as defined, to a county adult protective services agency. Existing law requires mandated reporters to send written reports to specified entities containing prescribed information.

This bill would authorize the required reports to be submitted to a county adult protective services agency through a confidential Internet reporting tool, if the county implements such a system, so long as the information gathered meets the existing requirements for written reports.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 15658 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 15658. (a) (1) The written abuse reports required for the
- 4 reporting of abuse, as defined in this chapter, shall be submitted
- 5 on forms adopted by the State Department of Social Services after
- 6 consultation with representatives of the various law enforcement
- 7 agencies, the California Department of Aging, the State Department
- 8 of Developmental Services, the State Department of Mental Health,
- 9 the bureau, professional medical and nursing agencies, hospital

1 associations, and county welfare departments. These reporting
2 forms shall be distributed by the county adult protective services
3 agencies and the long-term care ombudsman programs. This
4 reporting form may also be used for documenting the telephone
5 report of a known or suspected instance of abuse of an elder or
6 dependent adult by the county adult protective services agency,
7 local ombudsman program, and local law enforcement agencies.

8 (2) The forms required by this section shall contain the following
9 items:

10 (A) The name, address, telephone number, and occupation of
11 the person reporting.

12 (B) The name and address of the victim.

13 (C) The date, time, and place of the incident.

14 (D) Other details, including the reporter's observations and
15 beliefs concerning the incident.

16 (E) Any statement relating to the incident made by the victim.

17 (F) The name of any individuals believed to have knowledge
18 of the incident.

19 (G) The name of the individuals believed to be responsible for
20 the incident and their connection to the victim.

21 (b) (1) Each county adult protective services agency shall report
22 to the State Department of Social Services monthly on the reports
23 received pursuant to this chapter. The reports shall be made on
24 forms adopted by the department. The information reported shall
25 include, but shall not be limited to, the number of incidents of
26 abuse, the number of persons abused, the type of abuse sustained,
27 and the actions taken on the reports. For purposes of these reports,
28 sexual abuse shall be reported separately from physical abuse.

29 (2) The county's report to the department shall not include
30 reports it receives from the long-term care ombudsman program
31 pursuant to subdivision (c).

32 (3) The department shall refer to the bureau monthly data
33 summaries of the reports of elder and dependent adult abuse,
34 neglect, abandonment, isolation, and financial abuse, and other
35 abuse it receives from county adult protective services agencies.

36 (c) Each long-term care ombudsman program shall report to the
37 office of the Long-Term Care Ombudsman of the California
38 Department of Aging monthly on the reports it receives pursuant
39 to this chapter ~~with~~ *and shall send a copy sent* to the county adult
40 protective services agency. The office of the state ombudsman

1 shall submit a summarized quarterly report to the department based
2 on the monthly reports submitted by local long-term care
3 ombudsman programs. The reports shall be on forms adopted by
4 the department and the office of the state ombudsman. The
5 information reported shall include, but shall not be limited to, the
6 number of incidents of abuse, the numbers of persons abused, the
7 type of abuse, and the actions taken on the reports. For purposes
8 of these reports, sexual abuse shall be reported separately from
9 physical abuse.

10 *(d) Reports required pursuant to this chapter may be submitted*
11 *to a county adult protective services agency through a confidential*
12 *Internet reporting tool, if the county chooses to implement such a*
13 *system, so long as the information gathered meets the requirements*
14 *of subdivision (a).*